

EXHIBIT 8

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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DAVID V. AMES,	:	CIVIL NO. 06-3441
Plaintiff,	:	DEPOSITION OF:
	:	ROBERT O. HANSEN
v.	:	
	:	TAKEN: October 9, 2007
CORPORATION OF THE	:	
PRESIDENT OF THE CHURCH	:	
OF JESUS CHRIST OF	:	
LATTER-DAY SAINTS,	:	
Defendant.	:	

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Deposition of ROBERT O. HANSEN, taken on
behalf of the Plaintiff, at 60 East South Temple, Suite
1800, Salt Lake City, Utah, before ROCKIE E. DUSTIN,
Certified Shorthand Reporter and Notary Public in and
for the State of Utah, pursuant to Notice.

ROCKIE DUSTIN, CSR, RPR

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1 going to assume that you understood them. So please,
2 if my question is unclear or vague, or something you
3 don't understand in any way, please ask me to clarify
4 it. Otherwise, I'll assume that my answer -- your
5 answer is to the question that you understood. 09:17

6 A. Will do.

7 Q. We're here about a gentleman named William
8 Scott Hanson. Is that your understanding?

9 A. Yes.

10 Q. I'm going to refer to him throughout this 09:17
11 deposition, unless you object, by the name of "Scott
12 Hanson," is that okay?

13 A. That's fine.

14 Q. And as I understand it, his name is spelled
15 differently than yours and there's no relation; is that 09:17
16 fair?

17 A. That's correct.

18 Q. When did you first learn in or about -- I'm
19 going to use the 1986 timeframe, so correct me if I'm
20 wrong, but there were a series of incidents in 1986, is 09:17
21 that fair, involving Mr. Hanson?

22 A. Yes.

23 Q. When did you first learn about those?

24 A. I think I first learned from Scott shortly
25 after he had been notified of those charges. 09:18

1 Q. Did he contact you?

2 A. To the best of my recollection, he did.

3 Q. Was that telephonic or in person?

4 A. I'm not sure I remember. I would assume it
5 would have first been by phone. 09:18

6 Q. Do you have any independent recollection,
7 clear recollection, of a subsequent contact or meeting
8 with Scott about those incidents?

9 A. Yes.

10 Q. What is your first clear independent 09:18
11 recollection of any meeting with Scott regarding those
12 incidents?

13 A. The timing or the substance of the meeting?

14 Q. The timing first and then I'll ask you who
15 was there, if anyone, besides you and him, and then the 09:18
16 substance.

17 A. I didn't record the date, but I would
18 assume it would have been in a very close timeframe,
19 within a day or two at the most, of his being informed
20 of those charges. 09:19

21 Q. And this is different than the phone call
22 you believe he initiated to you?

23 A. It would have probably been shortly after
24 the phone call.

25 Q. Do you recall if during the phone call he 09:19

1 indicated to you he had been criminally charged or he
2 just said, "Hey, Bishop, I" -- "I need to see you about
3 something"?

4 A. I'm sure he indicated he had been
5 criminally charged.

09:19

6 Q. Do you recall what -- if he told you the
7 substance of what he was charged about briefly or if he
8 just said, "We've got to talk"?

9 A. I don't know that I recall at that point.

10 Q. Do you recall anything else from that phone 09:19
11 conversation, other than that you believe it was --
12 that first conversation was a telephone call that he
13 initiated and may have mentioned he had been charged?

14 A. Nothing of substance.

15 Q. Let's move on, then, to the next contact 09:19
16 that you have an independent recollection of, which I
17 understand to be a meeting within a day or two of that
18 phone call; is that correct?

19 A. That's correct.

20 Q. Where was that meeting held? 09:20

21 A. That was held in the church offices, in the
22 stake center in Orem -- the ward, I should say, the
23 ward bishop's office.

24 Q. And that was the Orem 27th Ward?

25 A. At that time, yes. 09:20

1 of. The four names.

2 Q. Who did Bishop Pederson have in his ward of
3 those young men?

4 A. I actually think Bishop Pederson contacted
5 me first. 09:44

6 Q. Do you know when that was?

7 A. Very close to that timeframe. I don't
8 recollect the exact date.

9 Q. Do you know how he found out about this?

10 A. David Custer was a member of his ward. 09:44

11 Q. Do you know if the police contacted Bishop
12 Pederson or if he found out some other way?

13 A. I don't recall how he found out.

14 Q. I'm sorry?

15 A. I just don't recall how he found out. 09:44

16 Q. Do you know Bishop Pederson's full name?

17 A. I do not. I probably did then. I don't
18 recall now.

19 Q. I understand. That was a long time ago.

20 Who was the bishop that was responsible for 09:44
21 the Schill boys?

22 A. Bishop Hartshorn.

23 Q. H-A-R-T-S-O-R-N?

24 A. Spelled Hartshorn, H-A-R-T-S-H-O-R-N.

25 Hartshorn. 09:45

1 Q. Do you remember his first name?

2 A. Leon.

3 Q. Do you know him today?

4 A. I do not -- do I know him today?

5 Q. Yes.

09:45

6 A. No, I -- I had a class from him many years
7 ago at BYU. He was a BYU teacher, instructor.

8 Q. When was the last time you had any contact
9 with him?

10 A. I don't recall now if we connected or not. 09:45

11 Q. At the time in '86, if you connected?

12 A. At the time. I'd have to -- I'm having --
13 I don't recall.

14 Q. You believe you initiated contact with him
15 by telephone, but don't know if you ever actually got 09:46
16 ahold of him; is that fair?

17 A. I'm sorry for the long lag.

18 I don't remember. I remember conversations
19 with Bishop Pederson regarding David Custer. I do not
20 recall detailed conversations with Bishop Hartshorn. 09:46

21 Q. Do you know who the bishop was of Ryan
22 Boley?

23 A. I do not.

24 Q. Do you believe you initiated contact with
25 that individual? 09:46

1 A. I did not.

2 Q. Just so I'm clear, when you spoke with
3 Bishop Pederson at some point in time, and it may have
4 been initiated very early, about David Custer's
5 allegations in this case; correct?

09:46

6 A. Correct. Yes. I'm sorry.

7 Q. That's all right. We need an audible
8 answer.

9 A. I'm nodding.

10 Q. You're unclear whether you ever spoke with
11 Bishop Hartshorn about the allegations of the Schill
12 boys with respect to Scott Hanson?

09:47

13 A. Yes.

14 Q. And you know you never spoke to whoever the
15 bishop was that was in charge of young Brian {sic}
16 Boley at the time?

09:47

17 A. I don't recall having spoken to Bishop --
18 to Ryan Boley's bishop.

19 Q. Have you had the opportunity to review the
20 Church's interrogatory responses in this matter?

09:47

21 A. The only -- I have read the deposition
22 taken from Scott Hanson by Mr. Ross.

23 Q. Okay.

24 Let me show you a document. I don't expect
25 you to know what an interrogatory is. I'll provide a

09:47

1 all, have you ever read the police report in this case?

2 A. I have not.

3 Q. You've never seen that at any point in
4 time?

5 A. I have not. 09:53

6 Q. Did you ever get a firsthand -- ask this a
7 different way.

8 Aside from Scott Hanson's version of the
9 events and allegations, who else either told you about
10 what was alleged or what sources did you use to 09:53
11 determine what was alleged, aside from these interviews
12 and contact with the clergy? Did you have any contact
13 with the state of Nevada, the detective --

14 A. The State of Utah?

15 Q. State of Utah, I apologize. 09:53

16 A. I had no contact directly with the police
17 department. My other contacts would have been Scott's
18 parents, Joe and Betty; his legal counsel that they
19 ultimately retained, which was I think Robert Moody.

20 The majority of my information came from 09:54
21 those sources, other than my personal interviews with
22 the young men.

23 Q. So we'll talk about all the personal
24 interviews you conducted later, your investigation
25 we'll call it later, but for now, I want to be 09:54

1 absolutely clear that you've never read the police
2 report in the case.

3 A. I have not.

4 Q. That any information you have about what's
5 contained in the police report came either from Scott, 09:54
6 Scott's parents, or Scott's attorney.

7 A. That's correct.

8 Q. Do you have an independent recollection of
9 a conversation with Scott's attorney about the details
10 of what was alleged? 09:54

11 A. We spoke -- I don't remember the number of
12 times, probably three times or so, where I asked him,
13 "What's happening? What's your judgment in this case
14 as it proceeds," because there was an original set of
15 allegations. And I assume after more research, 09:55
16 investigation was done by the police department, they
17 began to drop away or to be reduced. I remember asking
18 Mr. Moody, "What's your understanding of why that's
19 happening?"

20 I was also made aware, I think originally 09:55
21 by Scott, and then I also had asked the parents and
22 Mr. Moody about the -- he was asked to undergo a
23 battery of exams by, I think, one psychologist and one
24 psychiatrist, maybe three. There are two that I
25 remember. In particular, I asked the results of those. 09:55

1 I didn't see them myself, but his counsel,
2 Mr. Moody, and Scott himself and the parents all told
3 me the same thing of those results. I think those were
4 my main sources of information.

5 Q. Let me focus that response a little bit. 09:56

6 You have never read the psychological
7 report -- or in 1986, '87 or '88, had never read the
8 psychological reports prepared regarding Scott Hanson
9 at any time, any of the three?

10 A. Not to my recollection, I did not read 09:56
11 those. I've read subsequent documents that would
12 indicate that one of the psychologists called me and
13 spoke with me. And to be honest, I don't remember that
14 conversation, but I assume I did.

15 Q. But you never read those? 09:56

16 A. I didn't read the reports.

17 Q. And you never relied on those reports in
18 any of your decisions from what you had seen firsthand,
19 only from what other people had told you about those
20 documents? 09:57

21 A. I'm not sure I understand that.

22 MR. KRAUS: If you don't understand a
23 question, ask him to rephrase.

24 BY MR. BOWERS:

25 Q. Let me ask it a different way. 09:57

1 MR. BOWERS: Thank you, Counsel.

2 BY MR. BOWERS:

3 Q. To the extent that those reports played any
4 role in your investigation and the ultimate conclusion
5 you reached as a result of your investigation -- do you 09:57
6 understand me so far?

7 A. Yes.

8 Q. -- you didn't rely on firsthand information
9 contained in those reports because you had never read
10 them? 09:57

11 A. That's true.

12 Q. You may have relied on what someone else
13 relayed to you or interpreted from those reports, but
14 you never directly read them yourself?

15 A. That's accurate. 09:57

16 Q. You indicated that one of the psychologists
17 or psychiatrists involved in that process had a
18 conversation with you, but you don't recall it; is that
19 fair?

20 A. I do not recall it. 09:57

21 Q. Is your recollection that that conversation
22 was regarding his conclusions? In other words, that
23 conversation came before the report was prepared?

24 A. Are you asking me about a conversation he
25 had with me -- 09:58

1 Q. Let me ask this --

2 A. -- regarding that report?

3 Q. -- maybe a better way.

4 A. Because I don't remember a conversation

5 with him.

09:58

6 Q. You never had a conversation with any of
7 these mental health professionals, who prepared reports
8 about Scott, about their report and conclusions after
9 those were issued?

10 A. Not to my recollection, I did not.

09:58

11 Q. Okay.

12 Who gave you -- let me ask you this: Did
13 anybody, at any point in time, ever say to you, "David
14 Custer has alleged this on this occasion, that on
15 another occasion. Ryan Boley has made these specific
16 allegations under these circumstances. The Schills
17 have made these allegations under these circumstances"?

09:58

18 Did anybody ever summarize in that level of
19 detail what was alleged in the report prepared by the
20 police department there in Orem?

09:59

21 A. Yes. Scott certainly did.

22 Q. Okay.

23 A. But also his counsel, Mr. Moody.

24 Q. Do you know how --

25 A. And I --

09:59

1 MR. KRAUS: He's not finished.

2 MR. BOWERS: I apologize.

3 MR. KRAUS: Slow down a little bit, Chad,
4 if you could, please.

5 MR. BOWERS: I apologize. 09:59

6 THE WITNESS: I'm not offended at all. I'm
7 responding slowly because I'm racking my tired old hard
8 drive memory here to try and recall.

9 MR. BOWERS: And I should slow down and be
10 more patient for you. 09:59

11 THE WITNESS: I remember a conversation
12 with Bishop Pederson. There were probably only a
13 couple of those conversations. In one of those, I
14 think he expressed to me that David Custer had recanted
15 or changed his testimony completely. 09:59

16 So probably -- and certainly, Joe and
17 Betty, that I kept in contact with. So I think my
18 sources for how that unfolded were Bishop Pederson, the
19 family, meaning Scott, his parents and Mr. Moody.

20 BY MR. BOWERS: 10:00

21 Q. Who of those people outlined for you both
22 the specific allegation made by each of the boys and
23 the circumstances of each of those allegations? Which
24 of those people that you listed did that?

25 A. Probably just Scott and Mr. Moody. I don't 10:00

1 think Joe and Betty went into any details.

2 Q. Do you have an independent recollection of
3 your conversation with Mr. Moody regarding that
4 specific issue, where he outlined what each boy alleged
5 and what the circumstances of that were? 10:01

6 A. In broad terms, he did.

7 Q. Broad terms?

8 A. Of the original -- what's the proper word?
9 Charges?

10 Q. Police report? Allegations? 10:01

11 A. Police report, charges.

12 Q. Okay. And I'm sorry to correct you.

13 A. My discussions with him were not frequent.

14 There may have been a number of weeks between the first
15 discussion update, you know, two to three weeks later, 10:01
16 and then an update at conclusion. I think I spoke with
17 him two or three times, maybe four times. I really
18 don't recall. It was not a regular meeting I held with
19 Mr. Moody, just an update, either as I solicited or I
20 think he called me once or twice. 10:01

21 Q. Let's be clear. I hate to nitpick with
22 you, but for this time, let me say that the police
23 report contains allegations only, because charges
24 carries a legal connotation. And I want to talk about
25 just what the boys alleged, is that okay? 10:02

1 ward.

2 BY MR. BOWERS:

3 Q. Let me be clear where we're at so I
4 understand.

5 We're shortly after Scott's formally 10:27
6 charged; right?

7 A. Yes.

8 Q. Okay.

9 And is it fair to say that the monitoring
10 portion of your plan is to keep an eye on the criminal 10:28
11 charges, and Mr. Moody is now involved; right?

12 A. Right.

13 Q. So you got Scott's permission to be
14 involved as needed with Mr. Moody so you could be kept
15 updated and aware of the criminal proceedings? 10:28

16 A. I think they volunteered that. I don't
17 know that I requested it.

18 Q. Either way, you were going to keep an eye
19 on these things, but Mr. Moody was a competent
20 attorney, or at least an attorney, and you were going 10:28
21 to stay out of his way; right?

22 A. Right.

23 Q. But you wanted to be aware of what he was
24 up to?

25 A. That's true. 10:28

1 their parents, you've got to meet with the bishop about
2 Scott Hanson molesting other kids?

3 A. They may or may not have been told that
4 prior to coming.

5 Q. All right. 11:21

6 I'm sorry.

7 A. And so as they would come in. Of course, I
8 knew all of these young men very well, very early on,
9 and I would say, "Do you know why you're here?" And if
10 they didn't, I would explain to them why we're there. 11:21

11 I would try to make them very comfortable
12 that anything we talked about in that setting would be
13 confidential, but I needed to know if there is
14 anything, and that I would proceed in the questions,
15 anything in their experience with Scott that had ever 11:21
16 made them uncomfortable in any way with his behavior.

17 And I think the sensitivity of that
18 probably changed a little bit with age group to age
19 group, but I tried to hold a pretty steady course on
20 that. And I would ask them a variety of questions 11:22
21 about Scott's behavior. "Was there ever nudity? Did
22 he ever show you anything that we would" -- I don't
23 know if I used the word pornography or not, "but that
24 would show you anything that was not appropriate? Did
25 he ever show you" -- I probably did use the word 11:22

1 pattern -- did you ever get enough -- let me start
2 over.

3 Did you ever get enough specific
4 information about what these boys had alleged in terms
5 of time, place and circumstance about Scott Hanson, 11:24
6 that you saw similarities or patterns in Scott's
7 behavior?

8 MR. KRAUS: Objection to the form of the
9 question. I think the problem is "these boys." That's
10 an indefinite phrase. 11:24

11 MR. BOWERS: Ryan Schill, those four.

12 MR. KRAUS: You can answer with that
13 clarification.

14 THE WITNESS: I don't know the timing of
15 when my understanding was more complete, but at some 11:24
16 point in time, I knew there had been discussion about
17 behavior possibly at one of the scout camps, the high
18 adventure camp. That might have been with David
19 Custer. I don't recall exactly. And other times, it
20 was in the home of his fiancTe, the Schill family. He 11:25
21 was engaged to their daughter. I think her name was Jo
22 Lynn, Jolene, Jo Lynn Schill.

23 I don't think I knew anything about Rob
24 Schill or -- I just drew a blank -- Ryan Boley.

25 BY MR. BOWERS: 11:25

1 Q. So you didn't -- at the time you had this
2 interview in 1986, you didn't have an understanding of
3 a pattern of behavior that Scott had engaged in with
4 any of these boys, being the four?

5 A. I think my concern would have been any time 11:25
6 in a private setting, whether that was in the hills or
7 rock climbing or mountain biking or camping or alone in
8 a home or otherwise. Did I answer that?

9 Q. You did.

10 A. Okay.

11 Q. I believe you did.

12 At the time, were you familiar with -- had
13 you ever heard the word "grooming"?

14 A. Grooming?

15 Q. Grooming. 11:26

16 MR. KRAUS: I assume you mean in the
17 context of child sex abuse? This time you have to say
18 yes.

19 MR. BOWERS: Yes.

20 THE WITNESS: He has to say yes. I'm 11:26
21 sorry.

22 BY MR. BOWERS:

23 Q. I've said my yes. Now we're waiting for
24 yours.

25 A. I remember seeing the term grooming, like 11:26

1 questions about that harmless contact with these boys,
2 your boys that you were interviewing?

3 A. In my interviewing process with them? It
4 was probably in broader terms. I don't know that I
5 specifically asked, "Has Scott ever given you a back 11:32
6 rub?" I did ask if he had ever touched them
7 inappropriately.

8 Q. Going back to --

9 A. I was probably even more -- I'm sorry for
10 interrupting.

11 Q. That's all right. No, finish.

12 A. Probably even more specific than that.
13 With some of them I said, "Did he ever touch your
14 buttocks? Did he ever touch your genitals? Do you
15 know what I mean by genitals," because some of them 11:32
16 didn't. I remember that, too.

17 Q. Going back to that time, knowing that
18 hindsight is 20/20, did you ask any questions in your
19 mind that were designed to determine if there was an
20 escalation of Scott's behavior, or did we go straight 11:32
21 to inappropriate touching and its various forms?

22 A. There were so many interviews with young
23 men, I don't know that I can say with certainty that I
24 asked was there an escalation. I could say with
25 certainty that I asked each of them if there was any 11:33

1 touching that made them uncomfortable, that was of an
2 inappropriate nature.

3 Q. Were you looking for anything in particular
4 in their responses, other than, yeah, he grabbed me, or
5 no, he didn't? 11:33

6 A. I think I was looking for anything that
7 would give me some indication that he was guilty as
8 accused.

9 Q. What did you think those things would be?

10 A. If the young men said, "Yes, he used to 11:33
11 walk around naked or he seemed to go out of his way to
12 expose himself to me or to urinate in front of me," or
13 yes, you know, because -- they would frequently sleep
14 in the same tents, sometime large numbers and sometimes
15 two or three. 11:34

16 You know, "Yes, he would, you know, snuggle
17 up next to me or cuddle up next to me." Anything that
18 would have indicated to me that this is not right.

19 Q. I understand.

20 A. There's something that doesn't feel right 11:34
21 about this.

22 Q. And the things that would have indicated to
23 you that something didn't feel right about this were
24 affirmative answers to the questions that you tried to
25 ask each boy about pornography, nudity, inappropriate 11:34

1 a few exceptions when I was early married, all of my
2 assignments up to the time I was called in the
3 bishopric were working with young men --

4 Q. Okay. So you grew up --

5 A. -- in various capacities. 11:38

6 Q. So these kids grew up with you in the ward?

7 A. We moved to that ward in 1979. And so at
8 that point, I had known youth in that ward for about
9 seven years, seven or eight years.

10 Q. Okay. 11:38

11 A. So you'd have to spill that -- overlay that
12 over the top of the age groups.

13 Q. Okay. I've gotcha.

14 So you conduct an interview of these 15 to
15 25 young men and find nothing; right? 11:38

16 A. That's correct.

17 Q. In your opinion, none of their responses
18 indicated any possibility that Scott Hanson had done
19 anything inappropriate with them?

20 A. I know it sounds like a stretch, Chad -- or 11:39
21 Mr. Bowers.

22 Q. Whatever you'd like to call me.

23 A. It -- I didn't find a single incidence
24 where young men -- in fact, I don't know how far to go
25 with this, but in fact, almost to the contrary. With 11:39

1 some of the older boys, that had spent many hours and
2 days and nights, there was almost a sense of shock.

3 "Scott? Come on, Bishop. You know, he's a prude."

4 That was the word from my son, "Dad, if anything, he's
5 a prude. You know, he never does" -- 11:39

6 You know, most of the guys are rougher than
7 Scott is with their language -- or not most of them,
8 but some of the guys have a tendency to do that. But
9 that was not an uncommon reaction about Scott. And
10 that was kind of the experience I had had with Scott up 11:39
11 until this unfolded, that, wow, of all the people,
12 Scott?

13 Q. So the other guys were maybe a little freer
14 in their sexual talk and conduct? I mean, without --

15 A. Typical teenage stuff. 11:40

16 Q. Yeah.

17 A. I don't think we had anyone that was --
18 well, maybe a couple, but I don't think we had anyone
19 that was extremely out of line.

20 Q. So, if anything, your investigation 11:40
21 revealed that Scott might be a little, you know, the
22 other way on the extreme?

23 MR. KRAUS: What do you mean by "the other
24 way"?

25 MR. BOWERS: Well, I think we were talking 11:40

1 Q. Did those --

2 A. I actually went back through my limited
3 personal journals and stuff for my own interest, when
4 counsel called me a few weeks ago and said, "Have you
5 got any?"

11:44

6 I said, "I don't have anything," and I
7 really don't.

8 So to answer your question, no.

9 Q. And anything you would have created at that
10 time would have been destroyed?

11:44

11 A. (Witness nods.)

12 Q. Is that a yes?

13 A. That's yes. I'm sorry.

14 Q. Let's talk about the next part of your
15 investigation, which was to speak to Bishop Peterson,
16 as I understand it; correct?

11:44

17 A. I don't know the sequence.

18 Q. Right.

19 A. It was probably either -- yes, I spoke to
20 Bishop Pederson, I think it is.

11:44

21 Q. Pederson, I'm sorry.

22 And Bishop Pederson --

23 A. Peterson, Pederson.

24 Q. He was David Custer's bishop at the time?

25 A. Yes.

11:44

1 Q. And what did Bishop Pederson relay to you
2 about David Custer?

3 A. I think we had a couple of conversations,
4 and the first one -- and I don't remember -- I think
5 that he initiated those. I may have called him. But 11:44
6 the first one was, "We have got these serious
7 allegations," or maybe they were charges at that point.
8 I think just allegations. "It involves a member of
9 your ward, Scott Hanson."

10 And we reviewed what he knew about that and 11:45
11 that he would just stay in touch with me, you know,
12 keep informed. And I said, "And likewise, I will" -- I
13 don't know if that was -- I think that was after my
14 initial discussion with Scott, when the police -- I'm
15 pretty sure it would have been after that discussion. 11:45

16 Q. Was that the end of your communications
17 with Bishop Pederson?

18 A. No. He -- we talked at least a couple of
19 times. And I do recall as this unfolded, and I'm
20 sorry, I don't recall the timeframe, if it was a week 11:45
21 later or three weeks or a month later, in a subsequent
22 conversation, and he was a very forthright gentleman on
23 the phone. I never met him face-to-face.

24 He left me with the impression that based
25 on his findings, what had been communicated to him, 11:46

1 that David Custer had completely recanted his testimony
2 in the matter and withdrawn all charges.

3 He also said as he interviewed with David
4 Custer, I remember him saying words to the effect that
5 he kept shifting back and forth. And so for Bishop 11:46
6 Pederson, he wasn't sure where all of it was going to
7 end up until he got to the end.

8 Q. How long was that conversation?

9 A. I don't recall.

10 Q. Do you recall if you went into details or 11:46
11 was the gist of the conversation that he had recanted
12 and so you didn't need to include him in --

13 A. No, detail that I knew generally, that the
14 charges were of a sexual nature. He may have even said
15 to me at that point that -- something about used the 11:46
16 word "sodomy" or something. I just remember it was
17 very serious. And I think that was after I had
18 initiated that with Scott.

19 Q. I'm getting the two calls confused. He
20 described the charges to you on the one call and then 11:47
21 you had another call later on where he informed you
22 about recanting; is that fair?

23 A. Yes.

24 Q. Okay.

25 A. And I don't know the time between. 11:47

1 Q. And I don't care.

2 A. I'm not sure.

3 Q. Yeah, what I want to know is from the
4 recanting phone conversation, is what you took away
5 basically this kid had recanted and I don't need to be 11:47
6 concerned about his allegations in my investigation, or
7 did you take something different from that call?

8 A. I probably took a couple of things away.
9 That would have been one, that.

10 Q. All right.

11 A. Well, it's good to know that that whole
12 thing is not true. And to the best of my
13 understanding, it was not true.

14 Second, it probably made me wonder at that
15 point to some degree about the truthfulness of the 11:47
16 other testimonies, who had solicited them, where did
17 they come from?

18 Q. Well, were they --

19 A. Were they volunteered by the boys, were
20 they brought out in a setting similar to what Scott had 11:48
21 experienced?

22 Q. What about the conversation with Bishop
23 Pederson led you to believe that David Custer's
24 testimony had originally been solicited by somebody, or
25 his allegation had been solicited by somebody? 11:48

1 When this happened, I think my thought
2 process started to turn, that if that one is not true,
3 I wonder if these boys gave testimony themselves, face
4 up on this, or if it was through an interview process
5 that we're later going to find out might be recanted, 11:50
6 which turned out -- I guess two more of those were
7 dropped.

8 This is kind of that timeframe within a few
9 weeks. I'm sorry, I don't recall the actual dates, but
10 as this started to unfold, kept reducing and reducing 11:50
11 and reducing. And I'm interviewing young men with some
12 trepidation, actually, that I'm going to uncover some
13 serious problems and never got there.

14 And so I'm naturally starting to think, I
15 wonder how much of this is true? And then when I found 11:50
16 out the professional investigators, the police, the
17 attorneys, were reducing, reducing and what appeared to
18 me to be shifting positions with the severity of the
19 crime or something else. And about this time, I found
20 out he was undergoing psychological -- I knew 11:50
21 previously he was going to be undergoing some
22 psychological evaluation, but I got information back on
23 that that said that he has no pedophile -- pedophilic
24 tendencies, etcetera.

25 All of that, I think -- if I could bring it 11:51

1 back to that point in the testimony of the young men, I
2 think all of that started to create in my mind a
3 question about who recorded the testimony? How did it
4 take place? How much of it is truth and how much of it
5 is not? 11:51

6 Q. What's your understanding of why the
7 charges were reduced?

8 A. I don't have a -- it sounds sort of silly,
9 but I don't have a strong legal background. I know it
10 was a plea bargain, but how much that plea bargain is 11:51
11 based on lack of strong evidence, I guess, in my mind,
12 I assume a while lot. That if the prosecuting attorney
13 and police department really had the goods in fact, why
14 would they have let go of that? Why would they have
15 reduced when you have young lives at stake? That's 11:52
16 that was my thought process.

17 Q. Back then --

18 A. I don't know that it has any basis --

19 Q. No, I think it does.

20 A. -- in reality, but why would they have done 11:52
21 that?

22 Q. I think that's a pretty good call.

23 A. If he's guilty, why not go get him?

24 Q. Did anybody ever communicate to you, at any
25 time or place, that the reason the plea agreement was 11:52

1 offered was because there was a technical violation of
2 the Sixth Amendment that precluded Scott's statement?

3 A. Which one is the Sixth? Is that the
4 Miranda?

5 Q. Right to counsel and Miranda. 11:52

6 A. Right to counsel, sure. No.

7 Q. You never heard that?

8 A. I heard it yesterday.

9 Q. You heard it yesterday. Would that have
10 been nice information to have back in '86? 11:52

11 A. Yeah. At the expense of sounding -- and I
12 don't want to sound calloused, because if you jump to
13 the end of this, I have heartfelt feelings about what
14 happened to David Ames and any others. I have agonized
15 over this. I mean that sincerely. But as I have 11:53
16 looked back at what I had in front of me at that period
17 of time, I don't know that it would have had any
18 influence, because everything else, my interviews, the
19 removal of testimony by two of the young men, Scott,
20 his attorney, the psychiatrist, I just didn't think he 11:53
21 was guilty.

22 Q. And I appreciate your answer.

23 A. So I guess to answer your question, did
24 it -- and, you know, would it have been nice to know
25 that? Yeah, it would have been nice to know it. 11:53

1 Q. I mean the bottom line --

2 A. Is it a question that would have affected
3 my final judgment a few weeks later? I'm not sure it
4 would have, because I thought he pled no contest. It
5 turns out he pled guilty. But I'm not sure as I have 11:54
6 -- I'm covering a lot of categories. I'll quit talking
7 and let you ask the questions.

8 Q. Let me formalize this one before we move
9 on.

10 The bottom line is you never had the piece 11:54
11 of information communicated to you in one way or
12 another, or you never discovered that the reason the
13 plea agreement came about was there was a technical
14 violation of the evidence he had provided against
15 himself? 11:54

16 A. I honestly --

17 MR. KRAUS: Objection to the form of the
18 question. Assumes a fact not in evidence.

19 MR. BOWERS: That's fine.

20 MR. KRAUS: You can answer the question. 11:54

21 THE WITNESS: I honestly don't recall being
22 aware of that.

23 BY MR. BOWERS:

24 Q. Just real quickly, what else besides the
25 things we've talked about, which I understand to be 11:54

1 conversation with Bishop Pederson. Any other steps in
2 your investigation?

3 A. They weren't steps that I followed up on.
4 I would have, had they not come from both Scott and
5 Mr. Moody, but the results of the psychiatric exams. 11:58

6 Q. And just so I'm clear, you're not -- you
7 never saw those?

8 A. I didn't see them. I heard from Scott and
9 Mr. Moody the results.

10 Q. And what you heard was Scott's not a 11:58
11 pedophile?

12 A. There was more detail in that, in
13 particular from Scott. And, yes, the end result was
14 that they didn't feel he was a risk. They didn't feel
15 like he had those tendencies. 11:58

16 Q. Tell me what you heard, tell me what you
17 relied on from those reports secondhand.

18 A. Let me start with Mr. Moody first. It was
19 probably the more brief of the two.

20 I remember him using the word "extensive" 11:59
21 or something to that effect, tests that Scott had gone
22 through. That was in their home, as I recall. And
23 those were tests, broad tests as well as tests
24 specifically designed to determine if he had problems
25 of a sexual nature in terms of pedophilia. I don't 11:59

1 know if the word "deviancy" was used, but, you know,
2 abnormal behavior, whatever.

3 And his summary to that was -- in my
4 recollection, that he has none. He's clean. The
5 professionals have found he does not have these 12:00
6 tendencies. They claim nothing here.

7 Q. Anything else that you relied on in coming
8 to your conclusion?

9 A. Parallel that with Scott on that psych --
10 I'm talking about the psychology part again? 12:00

11 Q. I'm talking anything. Scott's conclusions
12 differed from what you were just told?

13 A. Scott was greatly revolted by that part of
14 the test. I didn't even know the name of it until I
15 read it from Mr. Ross's deposition, and I'm not sure I 12:00
16 can pronounce it.

17 Q. The plethysmograph?

18 A. That thing.

19 Q. Is that what you're referring to?

20 A. Plethysmograph. Plethysmograph. 12:00

21 Scott had come in and distressed after that
22 particular test. I know he either came to my door or
23 called me that night and was very upset. And I don't
24 think he knew the results of it.

25 He just said, "It's one of the more 12:00

1 department.

2 Q. Okay.

3 A. That had an impact in my mind.

4 Q. Okay.

5 And were you aware -- we've established 12:02
6 that you weren't aware necessarily why those charges
7 were reduced; correct?

8 A. True.

9 Q. Were you aware of the circumstances
10 surrounding Mr. Boley's charges, either not being 12:02
11 charged or his accusations not being included in the
12 charge?

13 A. I'm not aware. To the best of my
14 knowledge, I don't recall why they were dropped.

15 Q. At any point in time, did you learn that as 12:02
16 a technical matter, his interview wasn't properly
17 conducted or followed up on and that's why the charges
18 were dismissed or not brought?

19 A. No, I'm not aware of that.

20 Q. Would that have been information, if true, 12:02
21 that you would have liked to have had at the time you
22 made your decision regarding your investigation?

23 MR. KRAUS: Objection to the form of the
24 question. Asks him a hypothetical and assumes facts
25 not in evidence. 12:02

1 Q. The prosecutor's file firsthand?

2 A. I have not.

3 Q. The statements Scott made to the police
4 firsthand?

5 A. I have not. 12:04

6 Q. You nor any agent of you ever spoke with
7 the detective that investigated this?

8 A. No.

9 Q. Did you speak with Prosecutor Reagan?

10 A. No. Well, not -- not to my recollection, I 12:04
11 didn't.

12 Q. Okay. All right.

13 Were you present in court -- you were
14 present in court at some time with Scott; right?

15 A. Yes. 12:04

16 Q. Did you overhear any conversations she had
17 with Mr. Moody and Scott where you might have been
18 close enough to --

19 A. I did not.

20 Q. What would you have done differently if you 12:04
21 had a chance to do that investigation again today?

22 MR. KRAUS: Objection to the form of the
23 question. Hypothetical, but you can answer.

24 THE WITNESS: In the context of today and
25 looking backwards? 12:05

1 BY MR. BOWERS:

2 Q. Knowing what you know now.

3 A. Let me answer it two ways.

4 One, I felt like I had a very trustworthy
5 source that had reviewed those documents you've just 12:05
6 listed, and Mr. Moody in particular, who had -- and he
7 enjoyed a good reputations as an attorney in the
8 valley. I knew him by reputation long before I met
9 him.

10 In hindsight, had they been available to 12:06
11 me, and I honestly didn't know if they were or were
12 not, simply as an ecclesiastical person, I would have
13 probably called for the reports. All of it. The
14 positives and potentially negatives.

15 Q. Anything else? 12:06

16 A. No.

17 Q. Do you know now that -- have you ever seen
18 a psych report prepared for something like this?

19 A. I saw one yesterday.

20 Q. Okay. 12:06

21 Is it -- do you recall that within that
22 report there are a number of things that are reported
23 by the person being interviewed, or in this case Scott?

24 A. I'm not sure I understand.

25 Q. Scott Hanson tells the mental health 12:07

1 MR. KRAUS: You can answer the question,
2 but don't speculate.

3 BY MR. BOWERS:

4 Q. Go ahead, please, sir.

5 A. Can you ask me again? I just want to make 12:11
6 sure I'm answering correctly, or we can read it back.

7 Q. I'll ask it again.

8 Knowing what you know now, would you think
9 that there was another side of the story of the
10 information that you would have gotten from Robert 12:12
11 Moody as a defense attorney for Scott in 1986?

12 MR. KRAUS: Same objection.

13 THE WITNESS: I really don't think so.

14 BY MR. BOWERS:

15 Q. At what point in this investigation did you 12:12
16 come to the conclusion that the allegations were
17 untrue?

18 A. I know that I spent a significant amount of
19 time -- are we short on time?

20 Q. Go ahead and answer this question then 12:12
21 we'll...

22 A. -- trying to look at the entire path this
23 had taken, from the early interviews with Scott to the
24 charges and my communications with the other bishop and
25 the subsequent reduction in the psychology reports. I 12:13

1 don't think I would have changed my opinion.

2 Q. When did you form it?

3 A. When did I form it? Toward the end of the
4 process. I think after I had completed all of my
5 interviews with young men, after my understanding of 12:13
6 the psychological reports, of the reduction of
7 charges -- I don't know --

8 Q. Was --

9 A. I don't know an exact date. It was toward
10 the end of that process. 12:14

11 Q. Was the criminal case resolved?

12 A. Was the criminal case resolved?

13 Q. Yes. Had he been sentenced or had he pled?
14 Do you recall?

15 A. When I made my decision? 12:14

16 Q. Yes, sir.

17 A. They were very close in proximity, I would
18 assume. I know that I became aware that there had been
19 a reduction of the original charges from what I
20 understood to be very, very severe to a misdemeanor 12:14
21 that involved no touching or contact. I remember that
22 was part of the understanding I had from Mr. Moody and
23 from Scott and his parents. But that I think where
24 I -- my discussions with Scott was probably very poor
25 judgment -- 12:15

1 Q. Did you --

2 A. -- on his part.

3 Q. Oh, I'm sorry.

4 A. I'm sorry, I delayed long enough, you

5 thought I was done.

12:15

6 Q. Is that the conclusion of that answer?

7 A. I'm not sure I've answered you because I

8 don't know exactly when I made that. It was a

9 culmination of things as they drifted in.

10 Q. I hear you saying --

11 A. Not drifted in, as they were given to me in

12 summary.

13 Q. I hear you saying you came to that

14 conclusion after the resolution of the criminal case in

15 relation to all of these other things happening as

12:15

16 well.

17 A. I think it was just prior. It was about

18 the time -- I think probably one of the last things I

19 heard is when there was going to be a reduction in the

20 charge to a misdemeanor. And to -- a reduction to a

12:15

21 misdemeanor. And I think that's about the time that I

22 was becoming convinced in my mind that the severity of

23 this was nowhere close to where it had started out, and

24 that Scott was innocent of these things.

25 Q. Have you ever heard of a polygraph?

12:15

1 MR. BOWERS: Okay. We're out of tape so
2 maybe take a couple of minutes here.

3 (Discussion off the record.)

4 (Lunch recess taken.)

5 BY MR. BOWERS: 13:09

6 Q. Ready to resume, Mr. Hansen?

7 A. Ready.

8 Q. All right.

9 You had some role in the criminal
10 proceedings regarding Mr. Hanson, didn't you? 13:09

11 A. I testified, what I thought was at his
12 presentencing. It may have been at the sentencing. I
13 testified as a character witness.

14 Q. Were you there at the time he changed his
15 plea, that is Mr. Hanson, from a plea of not guilty to 13:09
16 something else?

17 A. I don't know when that took place, until I
18 read it in the deposition record with Mr. Ross. I
19 still thought it was a plea of no contest. If it took
20 place while I was there, I was either -- 13:10

21 Q. Well, let me ask you this --

22 A. -- not attentive or something.

23 Q. -- were you there twice?

24 A. Just once.

25 MR. KRAUS: Just so the record is clear, 13:10

1 A. On the very top, yes.

2 Q. Yes, okay.

3 And let's turn to page 2 of that document.

4 And if you look up from the bottom of that page, do you
5 see that paragraph there that says, "The court called 13:11
6 for those in the Courtroom who desired to be heard in
7 this matter. Robert Hanson {sic}, ecclesiastical
8 leader of the defendant, addressed the Court in behalf
9 of the defendant."

10 Do you see that there? 13:11

11 MR. KRAUS: Page 2. Oh, I don't think he
12 has page 2 in his version. There you go, I'll hand you
13 mine.

14 MR. BOWERS: Sorry about that.

15 (Discussion held off the record.)

16 THE WITNESS: (Witness reviews document.)
17 Right here. Okay. Your question is what? I've found
18 it.

19 BY MR. BOWERS:

20 Q. You've seen that, yes? 13:12

21 A. Spelled incorrectly, but...

22 Q. Do you believe that's you?

23 A. That's me.

24 Q. Do you believe this is the hearing you were
25 present at? 13:12

1 A. I'm sure it was.

2 Q. And if you look on the first page it's
3 dated November 20th, 1997. Is that date consistent
4 with your recollection of events?

5 A. I didn't track the dates. I couldn't 13:12
6 comment accurately.

7 Q. Any reason to dispute that date?

8 A. No.

9 Q. And you were present and you did make a
10 statement to the court; right? 13:13

11 A. Yes.

12 Q. It says, "On the 8th of October, 1997, the
13 defendant entered a plea of guilty to the crime charged
14 in the Amended Information."

15 This is on the bottom paragraph of page 1. 13:13

16 A. Uh-huh.

17 Q. And is it your testimony that that is a new
18 piece of information for you, that you did not know
19 Mr. Hanson had pled guilty to being charged until
20 recently, that you did not know that in '86? 13:13

21 A. It is my understanding he had pled no
22 contest to the charge, until very recently.

23 Q. You said you had an opportunity to read
24 Mr. Hanson's deposition as taken by Mr. Ross; is that
25 fair? 13:13

1 A. Yes.

2 Q. Do you recall in that deposition where
3 Scott Hanson indicated he consulted with you about the
4 plea agreement?

5 A. Yes. 13:14

6 Q. Do you have an independent recollection of
7 consulting with Mr. Hanson about the plea agreement?

8 A. When you say consulting about it, I sat in
9 his home with Mr. Moody and himself, when they talked
10 about it, and he had questions about his plea of no 13:14
11 contest.

12 Q. What were his questions aimed at? What was
13 the point of those questions he'd asked you?

14 Let me ask the question a different way.

15 Wasn't that discussion focused on what you 13:14
16 would you do as an ecclesiastical leader if he entered
17 a plea to this charge?

18 A. In part, that was part of the discussion.
19 He was still adamant in his innocence and he felt it
20 was a compromise to plead guilty, not guilty but no 13:14
21 contest is what I heard in the home. Plead no contest.
22 Would that be construed as an admission of guilt? My
23 understanding at the time would be that that would be
24 construed as an admission of guilt to these charges if
25 he pled no contest. 13:15

1 Q. That discussion was an ecclesiastical
2 conversation about whether you would construe those as
3 an admission of guilt, not a discussion of how the
4 court would view those; is that correct?

5 A. I think that would be the context. 13:15

6 Q. And was he concerned about what you would
7 do to him if he admitted guilt surrounding these
8 charges in an ecclesiastical context? Is that why you
9 were there with Mr. Moody and Mr. Hanson?

10 MR. KRAUS: I object to the form of the 13:15
11 question. You're asking him about Mr. Hanson's
12 understanding?

13 MR. BOWERS: To the extent he knows.
14 That's the question.

15 THE WITNESS: This Mr. Hansen or Scott 13:15
16 Hanson?

17 BY MR. BOWERS:

18 Q. No, Scott Hanson.

19 A. I think that was part of his intent for
20 inviting me there. 13:16

21 Q. I'm going to hand you what I'm going to
22 have marked as Exhibit No. 3 to this deposition and
23 I'll provide a copy to your counsel.

24 (Exhibit 3 marked.)

25 BY MR. BOWERS: 13:16

1 deception?

2 MR. KRAUS: Why don't we read the question
3 back.

4 MR. BOWERS: That's a good idea.

5 (Whereupon the record was read by the 13:27
6 reporter as follows:

7 QUESTION: My question is: When he sends
8 you down to his sentencing, when you were still
9 thinking he's pled no contest and fails to inform you
10 that in fact the deal had changed, and he had
11 acknowledged the facts we're going to talk about in the
12 complaint, where he was guilty, was that failure to
13 fill you in on that deceptive?)

14 THE WITNESS: I don't think it was
15 intentionally deceptive. I'm struggling with is it 13:28
16 deceptive or is it intentionally deceptive? What was
17 the intent? Is it -- given the conversations with
18 everybody involved, was it deceptive? Was it an
19 oversight or an admission? I didn't feel deceived.

20 BY MR. BOWERS: 13:28

21 Q. Did you know on November 20th that he --

22 A. I'm not trying to be contentious. I just
23 -- it's just such a strong word, deceptive. To me, you
24 know, if I want to deceive you, I do it intentionally.

25 I'm not sure there was an intentional omission on his 13:28

1 part or the attorney or the family to come back and
2 say, "By the way, this is" -- through whatever sequence
3 of negotiations subsequent, it has now changed from no
4 contest to guilty.

5 Q. So no one told you of that, but you don't 13:29
6 know whether that was intentional or not?

7 A. Correct.

8 Q. On November 20th, when you went to court,
9 is it your testimony that nobody ever said he had pled
10 guilty or you just didn't understand that proceeding? 13:29

11 A. I wasn't aware of it. I still thought it
12 was a no contest plea.

13 Q. Do you know what the charge was that he
14 pled to?

15 A. Lewdness with a minor. 13:29

16 Q. Do you know what that entails?

17 A. I had a very brief explanation in the home
18 by Mr. Moody. I think I may have referred to it in an
19 earlier testimony that it didn't necessarily even mean
20 nudity, and it -- there was no admission of contact or 13:29
21 touching.

22 Q. Can I --

23 A. So I was --

24 Q. Oh, sorry.

25 A. -- a bit confused as to what -- you know, 13:29

1 and I think he talked to me a bit more about intent, if
2 there was exposure and some state of undress with the
3 intent to do harm or something to that effect. But do
4 I have a detailed knowledge of it? Not really.

5 Q. Okay.

13:30

6 Let me hand you what's been -- we're going
7 to mark as -- I believe it's Exhibit 5.

8 (Exhibit 5 marked.)

9 BY MR. BOWERS:

10 Q. Which is the "Amended Information" to which 13:30
11 Mr. Moody -- I mean Mr. Hanson pleaded guilty. Can you
12 take a moment to review that.

13 A. (Witness reviews document.)

14 Q. Have you had a chance to review that?

15 A. I have.

13:31

16 Q. Is it consistent with your understanding
17 that whatever the deal was, it involved the crime of
18 knowing or intentionally exposing his genitals or
19 private parts or performing any other act of gross
20 lewdness, which Scott Hanson knew or should have known 13:31
21 would likely cause affront or alarm to a person under
22 14 years of age?

23 Is that something more or less consistent
24 with your understanding in 1986 or is that new
25 information? 13:31

1 A. The broad scope of that, I think I
2 understood it could be on a scale of from nudeness and
3 exposure of genitalia, etcetera, to any other act of
4 gross lewdness, and that he should have known better.

5 The definition that I understood, in the 13:31
6 home from the attorney, is that there was not
7 nudeness --

8 Q. Well, what was it --

9 A. -- nudity.

10 Q. What did he do? What should he have known 13:31
11 better not to do?

12 A. That they were in their underwear. The --
13 described both by Scott and by the attorney, at some
14 point in time in his fiancTe's house, the young man had
15 come in and crawled into bed with him. Scott's 13:32
16 testimony to me was that he wasn't aware of that until
17 he woke up in the morning.

18 Q. So you said he exercised bad judgment just
19 now. Did I misunderstand that?

20 A. I'm sorry. He apparently woke up during 13:32
21 the night and saw he was there. And my point to him
22 is, "At that point, you should have picked him up,
23 carried him back to his bedroom, called mom and dad.
24 You don't let an 11-year-old crawl in bed with you at a
25 guesthouse somewhere." 13:32

1 Q. So your understanding --

2 A. I thought that was bad judgment.

3 Q. So your understanding of what Scott Hanson
4 did wrong, that your opinion is bad judgment that led
5 to this criminal conviction, was that at his fiancTe's 13:32
6 house, he was sleeping in his underwear. His fiancTe's
7 brother crawled into bed, also in his underwear, and
8 Scott should have put him back into his bed, but he
9 just went back to sleep?

10 A. That's a pretty accurate description. 13:33

11 Q. Okay.

12 A. And I thought that was -- I just would add
13 to that, I thought that was bad judgment. Even though
14 he knew the young man, had had a lot of interaction,
15 they were friends and close and that, his explanation 13:33
16 was -- I said, "Scott, that has nothing to do with it.
17 It's still inappropriate."

18 Q. Did you advise him to plead no contest?

19 (Discussion held off the contest.)

20 THE WITNESS: No, I didn't render any 13:34
21 counsel, except the one evening when they asked me
22 specifically about the no contest portion of that.

23 BY MR. BOWERS:

24 Q. Did you indicate to him that if he went
25 through with that, there would be no formal or informal 13:34

1 or any other kind of ecclesiastical caution or
2 discipline to him?

3 A. My recollection of that differs a bit from
4 the deposition he gave Mr. Ross. It's close. I would
5 have given my opinion at that point in time, but also 13:34
6 with the explanation or caveat that my opinion wouldn't
7 necessarily be final. The end results of that would be
8 reviewed between myself and the stake president and
9 that there might be subsequent interviews required with
10 Scott there. But that at that point in time, after all 13:34
11 I've iterated prior to this, I didn't see a cause of --

12 Q. So you determined --

13 A. -- concern.

14 Q. Had you determined, then, by that point in
15 time that Scott wasn't guilty of the other allegations 13:35
16 that had been made against him?

17 A. I think at that point in time, I had pretty
18 well arrived at that conclusion, based on everything I
19 explained before. I'm not absolutely positive of the
20 timeframe, but I think it was about the time of that 13:35
21 meeting in the home that I was pretty well convinced he
22 was guilty of very immature judgment.

23 Q. Before he had entered a plea into this?

24 A. That's what time again?

25 Q. Well, if the meeting in the home is about 13:35

1 entering the plea --

2 A. Probably. Probably.

3 Q. Okay.

4 A. I knew that the charges through the plea
5 agreement, probably from a meeting either with 13:35
6 Mr. Moody prior to the one in the home and Scott,
7 either were going to be or had been reduced. And that
8 certainly had influence on my decision and judgment.

9 And then I think the meeting in the home
10 took place a short time, it might have been a day or 13:36
11 few days after that.

12 Q. Were you aware of whether a conviction
13 under this statute required a registration as a sex
14 offender?

15 A. I was not aware. 13:36

16 Q. You weren't aware of that?

17 A. No.

18 Q. Would that -- if --

19 A. The State of Utah, did it have a law to
20 require them to register? Are you asking me was I 13:36
21 aware --

22 Q. Were you aware of that then?

23 A. No.

24 Q. If that crime had required registration as
25 a sex offender, would that have affected your opinion? 13:36

1 So, no, I had heard nothing about that until I read it
2 in the deposition.

3 Q. So we're not saying it happened, and we're
4 not saying it happened with Bishop Wudel, but if it did
5 happen, it could have happened with Wudel and you'd 13:52
6 never have known about it?

7 A. That's possible; true.

8 Q. Why did you -- why did you go down and
9 speak at this guy's sentencing?

10 A. They asked me to. 13:53

11 Q. Who did?

12 A. Mom and dad and Scott and --

13 Q. Did you have some reservations about that?

14 A. Probably mixed feelings as to the
15 appropriateness of it, but I felt like I could simply 13:53
16 describe my personal findings in it. And bear in mind,
17 too, at that point in time, in '80 -- I guess that was
18 '87, I really felt like he was innocent of these
19 things.

20 Q. So are we agreeing, then, that when you go 13:53
21 down there, you're going down with the intention of not
22 only saying, "Hey, I've known Scott since he was a kid
23 and this isn't like him," you're going to give
24 additional information to the court about things that
25 you've gone and done, your investigation and its 13:54

1 conclusions; correct?

2 A. I went down at their request to be a
3 character witness, and that was probably their intent.
4 I don't know that I thought through that as a cognitive
5 process, but I'm sure that's -- and I guess there's not 13:54
6 a transcript of what I said. It would have been words
7 to that effect, that I've interviewed a number of young
8 men, I've tried to track this as closely as I can, and
9 I find him guilty of very poor judgment.

10 Q. I mean, there's -- 13:54

11 A. And nothing else.

12 Q. -- two parts to this.

13 A. I honestly don't think I spoke much longer
14 than that. I think I was in front of them for less
15 than a minute. 13:54

16 Q. But there's -- let's stop for a second,
17 because there's two parts to this statement you agreed
18 to make. And I'm going to say what they are and you
19 tell me whether you agree or not, okay?

20 The first part is, "I've known Scott. He's 13:55
21 a good kid. This really surprised me. His reputation
22 in the community is such that this wouldn't happen,"
23 character stuff; right?

24 A. I don't think I said all that.

25 Q. Those sorts of things is one part of what 13:55

1 you intended to offer; right?

2 A. Those sorts of things.

3 Q. Okay.

4 The second part of what you intended to
5 offer is, "I've spoken to the other bishop. I've 13:55
6 interviewed these boys. I've done these things to come
7 to my own conclusion that Scott didn't do what was
8 alleged"?

9 A. Except I don't think I detailed it that
10 much. 13:55

11 Q. But that was --

12 A. I think I lumped it into a summary
13 statement, that I have tried to track this. I've done
14 interviews. I've come to my personal conclusion that
15 he's innocent of these charges, except for very bad 13:55
16 judgment.

17 Q. Okay.

18 A. Immature judgment. I don't know the exact
19 words I used.

20 Q. I probably went about that backwards, 13:56
21 because I was trying to establish there were two
22 different things, but now tell me exactly, to the best
23 of your recollection, what you believe you told that
24 judge on that day with respect to what should happen to
25 Scott Hanson. 13:56

1 A. What should happen to him?

2 Q. What did you tell him?

3 A. I didn't make any recommendations to them
4 about what I thought should happen.

5 Q. Okay. That's fair. 13:56

6 A. Is that what you're asking me?

7 Q. No, it was a bad question on my part.

8 We'll make it easy.

9 Tell me exactly, to the best of your
10 recollection, what you told to that judge. 13:56

11 A. Well, a long time ago, Mr. Bowers. I'm
12 sure I would have simply stated that from my position
13 in the interview process and the communications I had
14 had, that I had become convinced he was innocent of
15 those charges, but that he had exercised bad judgment 13:57
16 and shown real immaturity.

17 Q. Did you -- so you told the court he's
18 innocent, right, in your opinion?

19 A. I don't know that I said that, but I
20 probably did. 13:57

21 Q. Okay.

22 Did you tell the court what you thought it
23 was that Scott did that was bad judgment or did you
24 just say, hey, something along the line it was bad
25 judgment? 13:57

1 influence on his future therapy and tracking and that.
2 I don't really recall.

3 Q. Whatever the court was going to do, you
4 went down there offering what you could, knowing that
5 it very well might help Scott out? 14:03

6 A. That's probably a fair statement.

7 Q. Thanks. Okay.

8 I'm just going to verify real quickly. I'm
9 going to hand you and counsel -- we can go ahead and
10 mark it as exhibit next in order, whatever that is. 14:03

11 (Exhibit 6 marked.)

12 BY MR. BOWERS:

13 Q. I'll represent to you that that's some sort
14 of a report compiled by the City of Orem in relation to
15 the '86 incidents. 14:04

16 Have you ever seen that document before?

17 A. I have not.

18 Q. So even as we sit here today, you've never
19 had an opportunity to read firsthand what was contained
20 in that document; right? 14:04

21 A. That's correct.

22 Q. Before I move on, I just want to be totally
23 clear, you never spoke to Ryan Boley or his family;
24 correct?

25 A. Not to my knowledge. 14:04

1 Q. You never spoke to either of the Schill
2 boys directly?

3 A. No.

4 Q. You never spoke to any other member of the
5 Schill family with the exception of Jo Ellen? 14:05

6 A. Jo Lynn.

7 Q. Jo Lynn, I'm sorry.

8 A. No.

9 Q. And you never spoke to any member directly
10 of the Custer family? 14:05

11 A. No.

12 Q. Did I ask you whether your ecclesiastical
13 opinion would have changed if Mr. Hanson had pled -- if
14 you knew he was pleading guilty?

15 A. You did ask that. 14:05

16 MR. KRAUS: You did.

17 BY MR. BOWERS:

18 Q. I did? And that's where you said it's too
19 hard to go back and all the rest. I'm sorry.

20 Do you know a guy named DeLoach? 14:05

21 A. I've read his name in the record.

22 Q. Did you talk to a bishop in Dallas at any
23 point when Scott moved down there?

24 A. I don't think I ever did.

25 Q. Really? Never -- Scott -- let's go back. 14:06

1 Scott leaves Orem; right? Are you still
2 bishop?

3 A. Yes.

4 Q. And moves to Dallas. You're still bishop?

5 A. Uh-huh. 14:06

6 Q. And you never contacted any Church leader
7 of any kind about Scott once he moved to Dallas?

8 A. Not to my knowledge. I don't think I did.

9 Q. I think wherever this has come up, it's
10 been represented that this bishop in Dallas was hearing 14:06
11 impaired. Do you recall that?

12 A. I read it in the deposition. That's the
13 first I knew.

14 Q. Do you think that's something that would
15 have made that more memorable to you had you been 14:06
16 involved with contacting them there?

17 A. I don't know if it would have done or not.

18 Q. Bad question.

19 A. I have hearing impaired friends and I know
20 sometimes their voice is very distinctive, if that's 14:06
21 what you mean.

22 Q. Well, yes, or that you had to use a TTDY
23 device or whatever the case was, okay.

24 Was Scott on probation when he left?

25 A. It's my understanding he was on probation 14:07

1 with some very closely defined guidelines, what he
2 could or could not do, and that it would be monitored
3 even though he went out of state.

4 Q. What, if anything, did you do to make sure
5 that Scott wasn't put in charge of the Blazer program 14:07
6 there in Dallas while he was on probation? And I mean
7 Blazer program as a generic term, for responsible for
8 youth in any way.

9 A. Yes. Yes, young men. I left that up to
10 the follow-up probation officer and the requirements of 14:07
11 the probation, of which Scott knew the penalties if he
12 violated them.

13 Q. So from an ecclesiastical perspective, you
14 did absolutely nothing with Scott regarding this
15 incident after he left Salt Lake? 14:07

16 A. Contrary to the testimony I saw in his
17 deposition, I'm quite sure that I told Scott to discuss
18 this with his new bishop. And if they felt they needed
19 to call me, they could do so.

20 Q. You independently took no steps to see that 14:08
21 that happened, that Scott reported this?

22 A. I did not.

23 Q. We'll talk more about records in a minute,
24 but just so I'm clear, you made no permanent notation
25 in his Church membership records about this incident? 14:08

1 A. I did not.

2 Q. And did you make any informal, put a
3 Post-It note in the file, say, "Please call me, Bishop.
4 I know he's moving and you're going to get this, give
5 me a ring," real friendly, casually? 14:08

6 A. No.

7 Q. Was that an option that was available to
8 you?

9 A. I think there was a method to tag
10 membership files up through the next priesthood leader. 14:08

11 Q. Well, if you had --

12 A. A process to do that.

13 Q. Well, if you had been released as bishop,
14 and the next guy came in, and Scott didn't move, you
15 could say, "Hey, this happened. You may or may not 14:09
16 know about it, you maybe did because it was in the
17 paper, but this is what I came up with. We're not
18 making any notations in his permanent file, but I have
19 some concerns." Right? That option was available to
20 you? 14:09

21 A. Yeah. I don't think that would fall in
22 confidentiality. I could have done that with the
23 bishop that followed me.

24 Q. Sure. Sure. And you at any time could
25 have gone to Scott, who had been very, I think in your 14:09

1 own words, quick to volunteer waiver of that privilege
2 as it related to him in this incident; right? He
3 waived it with the attorney, he seemed willing to waive
4 it whenever you asked or he volunteered; right?

5 A. Yes. 14:09

6 Q. So you certainly could have -- well,
7 without that waiver, without talking to Scott, could
8 you have called whoever his bishop was in Dallas and
9 said, "Hey, you know, I made the call as bishop, no
10 discipline should be enforced here, but I have some 14:10
11 concerns, I want you to keep an eye out on this"?

12 A. Given the requirements of his probation and
13 the end results of all my tracking and evaluation, I
14 don't think I had great concerns at that point.

15 Q. Okay. 14:10

16 You chose not to do that, I understand.
17 You came to some opinions, but could you have done it?

18 A. Sure. I could have called him.

19 Q. Without even requesting that Scott waive
20 the privilege, you could have called him and said, 14:10
21 "Hey, keep an eye out. Here's what happened. No big
22 deal, but we want you to know"?

23 A. I think that option was available to me.

24 Q. All right.

25 Kami Hanson, do you know Kami Hanson? 14:10

1 A. I don't know that I would have said I
2 dismissed it because they weren't credible. I don't
3 think I would have put it in that context. Had she
4 asked me did I believe that Scott was innocent of those
5 charges, I would have said yes. 14:15

6 Q. Let me ask you this: Did you believe that
7 he was innocent or did you believe there was not enough
8 evidence to substantiate the charges? Is there a
9 difference in your mind?

10 A. I believe that he was innocent. 14:15

11 Q. Falsely accused? Yes?

12 A. Yes.

13 Q. Who did you blame for that?

14 A. I don't know that I tried to affix blame.

15 As I've gone back and read the record and all these 14:16
16 many years since then, you know, I understand the
17 police department following up, as I understood what
18 began with David Custer's statements or accusations and
19 went from there. I don't know that I affixed blame on
20 anyone for it, but based on all we've talked about 14:16
21 previously, I felt he was innocent.

22 Q. Did you have any opinions regarding whether
23 allegations of sexual abuse, back in 1986, were likely
24 to be false or likely to be true?

25 A. Could you repeat that for me? I'm not sure 14:16

1 Q. So apparently allegations or -- oh, go
2 ahead.

3 A. Either that phone call or a subsequent
4 phone call, I think she started to indicate to me that
5 she wasn't aware of this -- the happenings in '86 or 14:25
6 '87, because there was a comment like, "Why didn't you
7 tell me, or why wasn't" -- you know, I don't remember
8 the detail.

9 And my response to her was, "You knew
10 everything, did you not?" And she was just silent, 14:26
11 which I took to mean that yes, I did, but if Scott
12 fooled me in '86 or '87 and others, he fooled you, too.

13 Q. Well, let me break that down a second.

14 How many phone calls did we have -- did you
15 have with Kami Hanson after 2000? 14:26

16 A. I think just one, but there may have been
17 two.

18 Q. Okay.

19 So as I ask you questions, I'd like you to
20 differentiate them, if you have a differentiation, as 14:26
21 you just voluntarily did. Because I think I understood
22 your testimony to say this didn't happen during the
23 first phone call, but it may have been happened in the
24 second one; is that fair?

25 A. I'd have to retract that, then. It could 14:26

1 have been all in the same phone call.

2 Q. You don't know whether --

3 MR. BOWERS: Thank you, Counsel.

4 BY MR. BOWERS:

5 Q. You don't know whether there were one or 14:26
6 two phone calls?

7 A. I don't know if she did one or two. I
8 really don't.

9 Q. Did she ask you not why you didn't tell
10 her? Is it possible that instead she asked me why 14:27
11 didn't you notate Scott's record, his membership record
12 in the Church about this incident?

13 A. I don't think that was the question.

14 Q. So you don't believe she ever asked that
15 question? 14:27

16 A. I honestly don't know. She talked for
17 awhile and she may have asked that. I don't recall. I
18 honestly don't recall.

19 Q. Do you recall whether you may have
20 responded that the reason you didn't do that is you 14:27
21 didn't want to ruin Scott's life?

22 A. I'm not sure I would have said that. I
23 would have probably responded that I didn't feel there
24 was a reason to do so. I felt like he was innocent of
25 the charges. 14:27

1 Q. Leland Howell or Olsen. I apologize.

2 A. Yes, President Howell, President Olsen.

3 In written form, no.

4 Q. Orally was -- so then the only reports that
5 were given about Scott Hanson's 1986 incident to anyone 14:47
6 in the Church, besides yourself, were to President
7 Leland Howell or to President Olsen?

8 A. To the best of my knowledge.

9 Q. Okay. That's all I can ask you for.

10 And I think we've covered this, but I just 14:47
11 want to make absolutely certain. You never, in writing
12 or orally, communicated with any Church leader about
13 Scott Hanson in Dallas, Texas?

14 A. I did not.

15 Q. Any Church member? 14:47

16 A. Not -- no.

17 Q. Any Church member or leader, did you
18 communicate to them orally or in writing about Scott
19 Hanson in the 1986 incident in Indiana?

20 A. '86 incident in Indiana? 14:48

21 Q. Yes, sir.

22 MR. KRAUS: I think it's the form of the
23 question.

24 THE WITNESS: If I could be --

25 BY MR. BOWERS: 14:48

1 Q. Let me ask it again. Throughout -- I'm
2 going to ask you about four or five questions about
3 your communications with Church officials in places
4 subsequent to Dallas, okay?

5 A. Okay. 14:48

6 Q. And I'm going to -- in each instance, I
7 want to know if you communicated anything about what
8 had happened here in 1986.

9 A. In '86?

10 Q. Correct. 14:48

11 A. I think I communicated that in phone calls
12 to Bishop Braby.

13 Q. In New Jersey in 2000?

14 A. I'm sorry. Yes.

15 Q. I'm going to go through some places and 14:48
16 just to confirm that there was -- well, let me ask you
17 this way: There was no one other than Bishop Braby
18 that you communicated with in the Church, prior to
19 2000, about what you knew about Scott here in 1986?

20 A. Other than Presidents Howell and Olsen; 14:49
21 that's correct.

22 Q. Correct. So no one in Virginia; right?

23 A. Correct.

24 Q. No one in Beaumont, Texas?

25 A. Correct. 14:49

1 Q. No one in Wisconsin?

2 A. Correct.

3 Q. Now, you did speak with Braby?

4 A. Yes.

5 Q. Tell me about that. 14:49

6 A. He called me at about the time -- I think
7 he called me. I have his number, I think, from another
8 call. He called me to tell me the charges against
9 Scott when we spoke.

10 Q. Did he call you before or after Kami 14:49
11 Hanson?

12 A. Gosh, I don't know.

13 Q. Before or after Betty Hanson?

14 A. The Betty Hanson phone call and the Bishop
15 Braby phone call were very close. I would think 14:50
16 certainly within a week or less, and maybe a day or
17 two.

18 Q. Was the last -- I think you answered it so
19 I'm sorry to go over old ground, but was the last Scott
20 Hanson phone call, as I understood it, like '88 or '89? 14:50

21 A. The last one I recall was when he went to
22 school.

23 Q. At Purdue?

24 A. To Purdue. And out of the clear blue, I
25 got a call one time, just kind of a catch-up, "How are 14:50

1 MR. KRAUS: Well, I object to the preamble.
2 You can answer the question.

3 MR. BOWERS: Sorry. I'm trying to help,
4 not confuse him.

5 THE WITNESS: I don't know his phone call 14:52
6 in relationship to whether Scott was already arrested,
7 incarcerated or if it was during that investigation. I
8 don't know.

9 BY MR. BOWERS:

10 Q. Okay. 14:52
11 Any other thing that might establish a
12 phone call timing of this Braby issue that you can
13 think of?

14 A. No.

15 Q. Okay. 14:53
16 So you told Braby what happened in Utah;
17 right?

18 A. Yes.

19 Q. And which was, correct me if I'm wrong,
20 amongst other things that you conducted an 14:53
21 investigation here, you determined he had been wrongly
22 accused. He was sentenced by the court to probation.
23 As far as you know, he completed it, and that was
24 basically the last contact you'd had with the issue and
25 Scott? 14:53

1 MR. KRAUS: Can we get a timeframe on that?

2 MR. BOWERS: Back in '86.

3 THE WITNESS: I would have directed the
4 ward clerk to make such an amendment, is my knowledge.

5 BY MR. BOWERS: 14:58

6 Q. And then you would have reviewed the record
7 and said, "Hey, it's there, good. We're covered."
8 Right?

9 A. Correct.

10 Q. This record, does it appear to be, as you 14:58
11 understand it, Church records to work the entirety of
12 Scott Hanson's membership record?

13 A. I think it would hit the highlights of
14 different Church recorded events and activities in his
15 life, yes. 14:58

16 Q. Had you decided that one of the things that
17 needed to happen to Scott Hanson as a result of these
18 1986 incidents was to make a notation that there's some
19 concerns about Scott and homosexuality or Scott and
20 young men, this record should contain that; right? 14:58

21 A. Yes.

22 Q. And you elected --

23 A. Well, yes, I'm sure it would. From '86.
24 Sure.

25 Q. And you elected not to do that; correct? 14:59

1 A. That's correct.

2 Q. Why did you decide that that was something
3 that you would not do?

4 A. I thought he was innocent of the charges.

5 Q. What would be the effect -- well, first of 14:59
6 all, what would that look like in this record?

7 A. Some kind of an amendment or tagging.

8 Q. Let's go back a step further.

9 What were your options as you understood
10 them in 1986 to notate Scott's membership record about 14:59
11 this incident in any form, which I assume on one end
12 would be excommunication at the far end of the
13 spectrum, and I don't know what the lesser options are
14 if any?

15 MR. KRAUS: Objection to the form. 14:59

16 THE WITNESS: I'm not sure I understand.
17 What you just named would have been part of a Church
18 court process.

19 BY MR. BOWERS:

20 Q. Uh-huh. 15:00

21 A. There are certain findings that can take
22 place.

23 Q. Correct.

24 A. Are you asking me outside of a Church court
25 setting, what are my options? I'm not sure what you're 15:00

1 asking me, I'm sorry.

2 Q. You're bishop. You and the stake president
3 together come up with a decision of how to handle
4 whatever did or did not occur with Scott Hanson in
5 1986. Okay? 15:00

6 I absolutely understand you feel he was
7 innocent and so you did nothing to this record. Okay?

8 Assuming that you didn't feel he was
9 innocent, I'm not saying you felt he was guilty of
10 everything that was charged, but just assuming that you 15:00
11 didn't feel he was completely innocent, what options
12 did you have available to you?

13 And I'm not talking about taking away his
14 recommend or having him forego sacrament or whatever
15 those options were with respect to your authority over 15:00
16 him at the time. I'm asking what options did you have
17 available to make note of this problem or this incident
18 in the Church records?

19 A. My best recollection of that would have
20 been that we could -- when he left the boundaries of 15:01
21 our ward, or my, quote-unquote, jurisdiction as his
22 bishop, I could have tagged those.

23 Q. Okay.

24 A. And said, "Do nothing with him" --

25 Q. Tagged this -- 15:01

1 A. -- "without contacting me." I could have
2 tagged them with some note of reference at some level.

3 Q. Okay.

4 And what would that -- what would that tag
5 have actually looked like on this document? Would it 15:01
6 have been a line entry that said something?

7 A. I don't know.

8 Q. Okay.

9 A. I never received one that had that and I
10 didn't take tag one during my time as bishop. 15:01

11 Q. Okay.

12 Do you know, could have you tagged it,
13 "please call"?

14 A. I don't know. It would be -- my assumption
15 is you could list certain recommendations for contact. 15:02

16 Q. Do you know what your choices were?

17 A. I don't.

18 Q. So tagging is an option; correct?

19 A. (Witness nods.)

20 Q. And is that available to all bishops, as 15:02
21 far as you're aware?

22 A. I'm sure it is.

23 Q. What -- is there a disciplinary proceeding,
24 is there a Church court that needs to be held in order
25 to tag a file? 15:02

1 A. Good question. I don't know. I don't
2 know -- to be honest, I don't know if I could tag it as
3 a bishop alone or if I need to do it in conjunction
4 with the stake president.

5 Q. What if the stake president and you 15:02
6 together decided this file should be tagged with a
7 message to a subsequent bishop to give you a call, is
8 that something you could have done?

9 A. Yes.

10 Q. Okay. 15:03
11 And to your knowledge, could it have said,
12 "Please call regarding morality issue when you receive
13 this file"?

14 A. I would assume you could have pointed the
15 reasons out for tagging the file. 15:03

16 Q. Could you have pointed the reasons out
17 without saying, you know, accused of molesting children
18 and these are the allegations? Could you have pointed
19 it out in a way that might maintain some semblance of
20 his privacy? 15:03

21 A. That probably could have been achieved.

22 Q. So tagging is one level of warning and you
23 don't understand exactly what you could or couldn't
24 have put, but you believe it could have been something
25 fairly innocuous, sort of a red flag, here's an alert, 15:03

1 give me a call? Do you think that would have worked?

2 A. Would have worked?

3 Q. Was an option that was available to you as
4 bishop with the stake president's approval.

5 A. I think we could have tagged his records. 15:04

6 Q. And do you know whether that tag would have
7 been a permanent notation to his record or whether that
8 could have been removed by a subsequent bishop?

9 A. I don't think in '86 I knew if it would be
10 a permanent record or if it would go just to the next 15:04
11 priesthood leader. I've found out since then what the
12 process would have been.

13 Q. What's your understanding now?

14 A. That it would have gone to the next
15 priesthood leader. 15:04

16 Q. And then he would have had the discretion
17 to take it off?

18 A. He would have determined whether to take it
19 off or pass it on.

20 Q. Did you ever say to yourself, I think 15:04
21 Scott's innocent, but since this is sex abuse in
22 children, it might be a good idea to make some kind of
23 informal note and I'm going to go check out if there's
24 a way to do that?

25 A. I think I discussed that at length with the 15:05

1 stake president.

2 Q. Which one?

3 A. It would have been, at that point in time,
4 President Olsen.

5 Q. What did you guys decide? 15:05

6 A. That he was innocent and we wouldn't do
7 that.

8 Q. Is there a reason why you wouldn't err on
9 the side of caution there?

10 A. We just felt he was innocent. 15:05

11 Q. Do you remember that discussion or series
12 of discussions that led to that decision not to
13 annotate or tag his record?

14 A. I just remember both President Howell and
15 President Olsen discussing the progression of events in 15:06
16 detail.

17 Q. You don't remember --

18 A. And what action --

19 Q. -- the conclusion?

20 A. Sure. And what action would be appropriate 15:06
21 for us to take.

22 Q. And did you and President Howell come to a
23 decision not to annotate the record or was that you and
24 President Olsen?

25 A. I would assume, because of the timing, that 15:06

1 the decision would have been myself and President
2 Olsen.

3 Q. And no one -- do you remember either of you
4 engaging in the following line of thought: We believe
5 he's innocent. We think that's the case. Maybe in a 15:06
6 million years we could possibly be wrong, but either
7 way, a temporary notation doesn't harm him in any way,
8 but goes a good deal in the future to protect youth
9 that he might be exposed to through his involvement in
10 the Church? Did anything like that ever come up? 15:07

11 A. At the conclusion of this process, I don't
12 think it did, because I think we both felt like he was
13 innocent.

14 Q. And there was no cost/benefit analysis that
15 you recall about the potential consequences if you are 15:07
16 wrong versus the harm to him if you are right?

17 A. Again, looking at it from 20 years back,
18 that sounds like a terrible --

19 Q. I'm sorry, I didn't hear you.

20 A. I said looking at it from 20 years back, 15:07
21 that sounds really bad, but we didn't think he was
22 guilty of the charges.

23 Q. So that just never even came up?

24 A. So it didn't come up. We felt like he was
25 innocent of the charges. 15:08

1 Q. So you don't recall either of you ever
2 saying, "Good guy, I think he's not innocent, but what
3 if?" You were so sure about the conclusion of this
4 that it just wasn't even worth making a temporary note
5 in the file?

15:08

6 A. I honestly don't know if we would have gone
7 through that thought process. My mind tells me we
8 probably would have done and come to the conclusion
9 that he was still innocent of the charges. I mean,
10 it's hard for me to say we did or did not entertain
11 that line of thought. We -- you know, we obviously had
12 great concern for children, for youth, both in the
13 Church and out of the Church.

15:08

14 Q. Well, I guess that's my problem, is I
15 believe that statement and I just am having a hard time
16 figuring out how a little temporary entry in this
17 record that could have prevented, you know, this
18 horrific string of events we're now facing, and it
19 never even occurred to anybody who was making this call
20 to enter that.

15:09

21 MR. KRAUS: Objection to the form. Now
22 you're just arguing with him.

23 MR. BOWERS: Well, I just want to make sure
24 that that was what happened.

25 MR. KRAUS: Then frame a different

15:09

1 question, because that's argument to the jury, that's
2 not a question. I'm not going to let him answer that
3 argumentative question. Frame a different one.

4 MR. BOWERS: You're instructing the witness
5 not to answer that question? 15:09

6 MR. KRAUS: Yes, I am.

7 MR. BOWERS: Okay.

8 BY MR. BOWERS:

9 Q. All right. So you knew you could put a
10 permanent tag in there, and did you, at the time, ever 15:09
11 ask anyone what are my options here regarding whether a
12 tag is permanent or not and what it has to say, how
13 that works?

14 A. I'm confident that was part of the
15 discussion with the stake president. 15:09

16 Q. But you don't have a recollection as we sit
17 here today of what your options were with respect to a
18 tag?

19 A. I just knew we could tag the records. I
20 guess my question is about they have been throughout 15:09
21 the remainder of his life or for a given period of
22 time, and I don't know if that affected my decision or
23 judgment then, but I don't recall that I knew that as a
24 point in fact.

25 Q. So you don't ever recall thinking I'm not 15:10

1 going to tag this record, or telling anyone I'm not
2 going to tag or mark this record in any way because I
3 don't want it to haunt him forever?

4 A. You know, I may have had concern about
5 that, but it wouldn't have been of the same priority as 15:10
6 if there were any doubt in my mind as to his guilt,
7 would I have done it. I just didn't think he was
8 guilty.

9 Q. As I understand your answer, you may have
10 thought that, are we in agreement? 15:10

11 A. About would the tagging harm Scott for
12 life?

13 Q. Uh-huh. Was that a thought that crossed
14 your mind?

15 A. A thought that crossed my mind? Probably. 15:11

16 Q. Okay.

17 Did you ever express that to anyone?

18 A. I don't believe so.

19 Q. Was there anyone else besides yourself and
20 the stake president who had discretion as to how this 15:11
21 matter -- you know, this matter is these whole series
22 of allegations, investigation, all the rest, how that
23 should be handled with respect to Scott's membership
24 records?

25 A. I would assume not. I would assume that me 15:11

1 Q. And the very first thing it says is, "Give
2 the child the benefit of the doubt if he tells you he
3 has been molested. Children rarely make up such
4 things. Assume the child is right unless you find
5 irrefutable evidence to the contrary."

15:44

6 Now, I guess this was written by the Church
7 Public Communications Special Affairs gentleman. So
8 that carries some weight to it, does it not?

9 A. Yes.

10 Q. That's a serious piece of advice you've got
11 to consider in administering your obligations over the
12 members of your ward; right?

15:45

13 A. True.

14 Q. And would you have been aware of this
15 thought, this piece of advice in 1986?

15:45

16 A. Yes.

17 Q. As we sit here today, do you feel you had
18 irrefutable evidence to counter the allegations made by
19 those boys with respect to Scott Hanson?

20 A. Yes, I do.

15:45

21 Q. Because if you didn't have irrefutable
22 evidence, you would have gone contrary to the position
23 of the Church, at least expressed in this writing; is
24 that right?

25 A. That's correct.

15:45

1 MR. KRAUS: Objection to the form of the
2 question.

3 THE WITNESS: I'm sorry. I answered too
4 quickly. Yes.

5 BY MR. BOWERS: 15:46

6 Q. Okay.

7 "Sexual molestation is seldom a one-time
8 offense."

9 I'm sorry, I'm reading now just below where
10 the fourth bullet point ends. 15:46

11 A. Almost to the bottom, I've gotcha.

12 Q. Okay.

13 "Trying to protect a molester almost always
14 worsens the situation and validates the molester's
15 behavior." 15:46

16 Is that something you were aware of in
17 1986?

18 A. I assume I would have been. It rings true
19 now. I'm sure it would have rang true then had I read
20 it. 15:46

21 Q. So in considering what to do about the
22 Scott Hanson situation, you would have said to yourself
23 I can -- "I should only not notate the records if I
24 have irrefutable proof that he didn't do this, and if I
25 don't notate the records and end up inadvertently 15:46

1 protecting a sexual predator or molester, that's even
2 worse"; right? These are things that would have been
3 part of that decision-making process?

4 MR. KRAUS: Objection to the form.

5 You can answer.

15:47

6 THE WITNESS: (Witness reviews document.)

7 Yes.

8 BY MR. BOWERS:

9 Q. I think we're finished with that document.

10 I'm going to move on to another one which I'll put as a 15:47
11 10 here.

12 MR. BOWERS: Counsel, you don't mind if the
13 court reporter marks these later, do you?

14 MR. KRAUS: No, I don't.

15 MR. BOWERS: Okay.

15:48

16 BY MR. BOWERS:

17 Q. I'll give a copy to yourself and your
18 counsel. And this document appears to be another
19 Ensign article. Would you agree with that?

20 A. Yes.

15:48

21 (Exhibit 10 marked.)

22 BY MR. BOWERS:

23 Q. And this document is authored by President
24 Hinckley; right?

25 A. It is.

15:48

1 Q. And we're going to talk bishops, stake
2 presidents, priesthoodholders, maybe, young men's
3 leaders for sure, is that the target audience?

4 A. Ecclesiastical leaders I would assume would
5 include all of those, yes. 15:53

6 Q. And you notice the copyright was 1985?

7 A. Yes.

8 Q. The time you were a bishop?

9 A. Yes.

10 Q. Is this something that you had back then? 15:53

11 A. I'm sure I did.

12 Q. Okay.

13 Do you recall having read it?

14 A. I'm sure I did.

15 Q. As we go through here, we get another 15:53
16 definition of sexual abuse on page 560. Can you see
17 that there in the first column?

18 A. Yes.

19 Q. And just for the record, this document --
20 now, let me ask you, does this document, as a bishop, 15:54
21 carry any greater emphasis or sway than the Ensign
22 article from the communications office, or are they all
23 important?

24 A. They're all important, but I think this
25 would receive a higher priority and more study. 15:54